

Ted W. Toms
P.O. Box 465
Silverton, CO 81433
303-882-5107

October 18, 2011

Mr. Howard Cantor
Deputy Regional Administrator – Region 8
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

Dear Mr. Cantor:

There has been considerable attention given to the possible designation of the Cement Creek area of San Juan County in Southwest Colorado as a "Superfund" site. I am writing to you to voice my strong opposition to this action. My opposition is based on the following reasons:

- (1) Since the demise of mining in Silverton and San Juan County, our home has depended virtually solely on tourism for our very existence. As I'm sure you are aware, anytime an area is designated a "Superfund" site, mental images of the worst kind are conjured up. It is almost a certainty that this area being labeled with that designation would basically destroy our very survival as a community because our main source of existence would be destroyed. Tourists do not want to visit an area that has a false image of being a dirty, unsafe and undesirable area.
- (2) The designation would remove our ability as a community to control the situation in a manner that would be most advantageous to us. With all due respect, outsiders coming in and deciding what is best for us is not in our best interests. I am sure the EPA has our best interests in mind, but the problem is, EPA does not know what is in our best interest.
- (3) I believe every option available should be utilized to clean up the Cement Creek area before there is even a discussion of the possibility of a "Superfund" designation. That designation should be the absolute last resort.
- (4) Sunnyside Gold along with the Animas Stakeholders Group have put forward a viable option that would address the problem and accomplish the desired results. There are numerous advantages to Sunnyside's approach:
 - (a) The vast knowledge that Sunnyside Gold and the Animas Stakeholders Group has of this area, its topography, geology, and other particulars that would be important considerations when determining the approach to clean-up.
 - (b) Sunnyside also has vast experience in reclamation of mining sites. This knowledge and experience would be invaluable in achieving the desired results and should not be underestimated.

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U.S. EPA Region 8
RMS Office

*Letter to
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10-27-11
Silverton Standard*

Ted W. Toms
P.O. Box 465
Silverton, CO 81433
303-882-5107

October 18, 2011

Ms. Sabrina Forrest
Site Assessment Manager
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

Dear Ms. Forrest:

There has been considerable attention given to the possible designation of the Cement Creek area of San Juan County in Southwest Colorado as a "Superfund" site. I am writing to you to voice my strong opposition to this action. My opposition is based on the following reasons:

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 - (a) The vast knowledge that Sunnyside Gold and the Animas Stakeholders Group has of this area, its topography, geology, and other particulars that would be important considerations when determining the approach to clean-up.
 - (b) Sunnyside also has vast experience in reclamation of mining sites. This knowledge and experience would be invaluable in achieving the desired results and should not be underestimated.

- (c) Sunnyside's Reclamation Manager, Mr. Larry Perino, also has many years of overseeing reclamation projects, with great success. Also, being a resident of this community, he is uniquely qualified to be able to accomplish the task and at the same time, be able to maintain an interest in the community that is and has always has been his home. Mr. Perino's knowledge and experience would also be invaluable to this project and should not be ignored.
- (d) Silverton/San Juan County still has a number of individuals who worked all their lives in the mining industry and have assisted in reclamation projects throughout San Juan County. In addition, employing some of these experienced people would be a tremendous boost to the local economy. In our very small community, an operation of any type that may provide even five jobs would help our community tremendously.

It is a given that everyone desires clean water and every effort should be taken to ensure that we protect our environment, within reason. However, the human factor **must** be considered when contemplating designating a community a "Superfund" site. It is absolutely imperative that every option be considered before taking such drastic action. I sincerely believe we can clean up the Cement Creek area and at the same time, protect our homes and our livelihood.

I trust you and the EPA will take into consideration the impact a "Superfund" designation would have on our home and come to the conclusion that there are alternate options that would accomplish the desired results without destroying our area, its economy and our homes.

Sincerely,



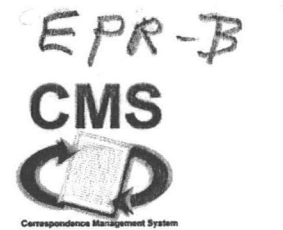
Ted W. Toms
Silverton, Colorado



Correspondence Management System

Control Number: R8-11-001-8093-EPR

Printing Date: November 28, 2011 01:32:24



Sabrina
FORREST

Citizen Information

Citizen/Originator: Toms, Ted W.

Organization: private citizen

Address: P.O. Box 465, Silverton, CO 81433

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: R8-11-001-8093-EPR

Alternate Number: N/A

Status: Appropriate Action

Closed Date: N/A

Due Date: Nov 8, 2011

of Extensions: 0

Letter Date: Oct 18, 2011

Received Date: Oct 24, 2011

Addressee: R8-Regional Administrator -
Region 8

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: R8--Program/Office Director

Signature Date: N/A

File Code: 404-141-02-01_141_a(1) Controlled and Major Corr. Record copy of of the offices of the EPA
Administrator & other senior officials - Nonelectronic

Subject: Cement Creek

Instructions: Assigned to EPR for Action.

Instruction Note: Please prepare reply for Program/Office Director signature and send copy to the RA's Office.

General Notes: Please advise status as of 11/24/2011 to Jim at xt 6529.

CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jim Lippincott	R8	R8-EPR	Oct 25, 2011	Nov 8, 2011	N/A
Instruction: Assigned to EPR for Action.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
Jim Lippincott	R8	Assign R8-EPR as lead office	Oct 25, 2011



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

DEC 23 2011

Ref: R8-11-001-8093-EPR

RECEIVED BY
Mr. Tom
P.O. Box 465
Silverton, CO 81433

RE: Upper Cement Creek, Silverton, Colorado

Dear Mr. Toms:

Thank you for your October 18, 2011 letter regarding Upper Cement Creek and the National Priorities List.

Your letter identifies concerns that are commonly raised by communities when the United States Environmental Protection Agency (EPA) is evaluating an area for the National Priorities List (NPL). Let me assure you that the EPA has not made a decision concerning listing of the Upper Cement Creek area. The decision to propose a site for the NPL can only be made after a technical evaluation is completed to determine if the site is NPL eligible. The EPA is just completing this technical evaluation. In addition, both the State and the EPA seek community support prior to a site being proposed for listing and the EPA wants the community to understand why we are looking at this option.

More than 15 years ago the EPA committed to a community-based environmental protection effort in San Juan County, and indicated that Superfund would not be used as long as progress was being made in improving water quality in the Animas River. Unfortunately, water quality has significantly degraded in the Animas River in the last five years. It is evident that historic mine waste in Cement Creek, a tributary of the Animas River, is having a negative impact on the Animas. These impacts are likely related to cessation of water treatment in Gladstone and plugging of the American Tunnel. EPA has compared the last five years of data to earlier data sets that indicated improvements in water quality. The Animas River Stakeholder Group (ARSG) has summarized some of these data and the EPA is also evaluating these data. If experience in other mining impacted areas is any guide, the resources required for solutions to this sort of problem will be substantial, and long-term operation and maintenance of the solution or solutions may be required.

EPA is working with other federal agencies, the State, and local community members to identify options to reverse the degradation and improve water quality in the Animas River. It is too soon to make conclusions about how best to correct this condition. However, if the best solutions require substantial and long-term resources, CERCLA process and the NPL may be the only means to assure that full resources available to the EPA can be committed. EPA is also limited in its ability to fund interim actions and long-term projects that require

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ongoing operations and maintenance.

The EPA looks forward to continuing the dialogue with local elected officials and the community regarding possible options to address water quality issues in Upper Cement Creek. If you would like to discuss this further, please contact Michael Holmes, Project Manager, 303-312-6607 or holmes.michael@epa.gov.

Sincerely,

ORIGINAL SIGNED BY
James B. Martin

Jim Martin
Regional Administrator
U.S. Environmental Protection Agency
Region 8

